SUPREME COURT OF THE UNITED STATES

PENNSYLVANIA *v.* THOMAS A. BRUDER, JR.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPERIOR COURT OF PENNSYLVANIA, PHILADELPHIA OFFICE

No. 88-161. Decided October 31, 1988

JUSTICE STEVENS, with whom JUSTICE MARSHALL joins, dissenting.

The Court explains why it reverses the decision of the Superior Court of Pennsylvania in this drunk driving case, but it does not explain why it granted certiorari.

In *Berkemer* v. *McCarty*, 468 U. S. 420, 440–442 (1984), the Court concluded that *Miranda* warnings are not required during a traffic stop unless the citizen is taken into custody; that there is no bright-line rule for determining when detentions short of formal arrest constitute custody; and that "the only relevant inquiry is how a reasonable man in the suspect's position would have understood his situation," *id.*, at 442. The rule applied in Pennsylvania is strikingly similar to this Court's statement in *Berkemer*. As the Pennsylvania Superior Court explained in this case:

> "In Pennsylvania, 'custodial interrogation does not require that police make a formal arrest, nor that the police intend to make an arrest . . . Rather, the test of custodial interrogation is whether the individual being interrogated reasonably believes his freedom of action is being restricted.' *Commonwealth* v. *Meyer*, 488 Pa. 297, 307, 412 A. 2d 517, 521 (1980) (quoting *Commonwealth* v. *Brown*, 473 Pa. 562, 570, 375 A. 2d 1260, 1264 (1977). . . .
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> "In *Commonwealth* v. *Meyer*, the Pennsylvania Supreme Court ruled that the driver of a car involved in an accident who was suspected of driving under the influence of alcohol and who was told by police to wait at the scene until additional police arrived was in custody for

> purposes of *Miranda*. The *Meyer* court reasoned that because the defendant had a reasonable belief that his freedom of action had been restricted, statements elicited before he received his *Miranda* warnings should have been suppressed. 488 Pa. at 307, 412 A. 2d at 522." 365 Pa. Super. 106, 111–112, 528 A. 2d 1385, 1387 (1987).

In its *Berkemer* opinion, this Court cited the Pennsylvania Supreme Court's opinion in *Commonwealth* v. *Meyer*, 488 Pa. 297, 412 A. 2d 517 (1980), with approval. 468 U. S., at 441, n. 34. Thus, there appears to be no significant difference between the rule of law that is generally applied to traffic stops in Pennsylvania and the rule that this Court would approve in other states.

There is, however, a difference of opinion on the question whether the rule was correctly applied in this case. The Superior Court of Pennsylvania was divided on the issue. See 365 Pa. Super., at 117, 528 A. 2d, at 1390 (Rowley, J., concurring and dissenting). It was therefore quite appropriate for the prosecutor to seek review in the Supreme Court of Pennsylvania. That court summarily denied review without opinion. See App. to Pet. for Cert. 64a. That action was quite appropriate for the highest court of a large state like Pennsylvania because such a court is obviously much too busy to review every arguable misapplication of settled law in cases of this kind.

For reasons that are unclear to me, however, this Court seems to welcome the opportunity to perform an error-correcting function in cases that do not merit the attention of the highest court of a sovereign state. See, *e. g.*, *Florida* v. *Meyers*, 466 U. S. 380 (1984) *(per curiam)*; *Illinois* v. *Batchelder*, 463 U. S. 1112 (1983) *(per curiam)*. Although there are cases in which "there are special and important reasons" for correcting an error that is committed by another court, see this Court's Rule 17.1, this surely is not such a case. The Court does not suggest that this case involves an

important and unsettled question of federal law or that there is confusion among the state and federal courts concerning what legal rules govern the application of *Miranda* to ordinary traffic stops. Rather, the Court simply holds that the Superior Court of Pennsylvania misapplied our decision in *Berkemer* to "[t]he facts in this record." *Ante*, at 2. In my judgment this Court's scarce resources would be far better spent addressing cases that are of some general importance "beyond the facts and parties involved," *Boag* v. *MacDougall*, 454 U. S. 364, 368 (1982) (REHNQUIST, J., dissenting), than in our acting as "self-appointed . . . supervisors of the administration of justice in the state judicial system," *Florida* v. *Meyers*, 466 U. S., at 385 (STEVENS, J., dissenting).

Accordingly, because I would not disturb the decision of the Supreme Court of Pennsylvania—which, incidentally, is the court to which the petitioner asks us to direct the writ of certiorari—I respectfully dissent.